

## **REMARKS**

The present invention is a method of securing a fur to a pelting board and an apparatus for securing fur to a pelting board. In accordance with the preferred embodiment of the present invention, the method of securing a fur to a pelting board 6 using an apparatus 1, including a winding unit 4 and a fur holder 3, includes retaining the pelting board in the pelting board holder as illustrated in Figs. 1-3; placing the fur over the pelting board and securing an end of the fur with the fur holder 3 to stretch the fur to conform the fur to an outer surface of the pelting board 6; and activating the winding unit 4 to wrap the material under tension around the fur which conforms the fur to the pelting board to retain the fur on the pelting board in the stretched condition after release of the fur holder. See paragraphs [0039] – [0047] and paragraphs [0059] – [0062] for a description of the above process. Moreover, an apparatus for securing a fur to a pelting board 6 in accordance with a preferred embodiment of the invention includes a winding apparatus including a pelting board holder 2 for holding the pelting board 3 during placing of the fur on the pelting board to conform the fur with an outer surface of the pelting board, a fur holder 3 for retaining an end of the fur while the fur is stretched in contact with the outer surface of the pelting board and a winding unit 4 for wrapping material around the fur under tension to retain the stretched fur against the pelting board, and wherein the material which is wrapped around the fur fixes the fur on the pelting board in a stretched condition after the fur is no longer retained by the fur holder.

Claims 9-14 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent 6,701,756 (Hedegaard) in view of United States Patent 6,490,852 (Mustachich et al).

In response to the arguments advanced by the Applicant in the November 13, 2008 Amendment, the Examiner reasons in Section 4 of the Office Action as follows:

Applicant argues that Hedegaard teaches a sleeve/paper bag and that as such, there is no reliance upon elasticity or winding material to retain the fur. Examiner notes that he never relied upon Hedegaard to teach either. Hedegaard teaches the basic pelting board, and as figure 4 shows, the bag, as well as details 14, act to retain the pelt. While details 14 are used, the ordinarily skilled artisan would be more than capable of utilizing any other means to retain the end of the pelt, and Mustacich is cited to demonstrate one such manner. Mustacich teaches that it is known to wrap internal structures with a strand of material, so as to insulate and keep said structures together by application of pressure. Applicant argues that this combination is invalid since Mustacich does not ponder pelts and the like. Examiner's argument is that Mustacich teaches a well known manner of bundling structures, which is precisely what the ordinarily skilled artisan would want to accomplish with the pelt board and fur. It must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971) (emphasis added).

Moreover, the Examiner reasons further in the statement of the rejection in Section 3 of the Office Action as follows:

Hedegaard teaches a method for securing a fur on a pelting board which is temporarily fastened in a pelting board holder, wherein the fur is stretched on the pelting board to a desired length and fixed thereto without damaging the fur (Abstract; Figure 4). While Hedegaard essentially teaches the invention as detailed, he fails to specifically teach wrapping an elastic (inherent of the material taught) band around the central material via a displaceable winding unit having a stoppable supply reel and movable around the central material on a guide ring, which Mustacich teaches (Figure 1). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to

have utilized such a winding mechanism, so as to temporarily fasten a material in a known manner. Hedegaard teaches using a sleeve to hold the fur in place without damage, but the ordinarily skilled artisan would have understood that any manner of product could be used that would create a pressure on the outside of fur against the pelting board to temporarily fasten them, including wrapping a length of elastic material. Mustacich teaches us that such mechanisms to wrap elastic material are already known and understood, and the ordinarily skilled artisan would have found it obvious to try combining the two, so as to create a temporary fastening means for the fur to the pelt. In regards to the band locking to itself, knot tying is well known and well within the ordinarily skilled artisan's abilities. With regards to the fur remaining in a stretched position, it would obviously since the winding would not have been removed (emphasis added).

The grounds of rejection are traversed for the following reasons.

The Examiner's Response to Arguments makes it clear that Hedegaard is only cited as teaching "the basic pelting board, and as Fig. 4 shows, the bag, as well as details 14 have to retain the pelt." What is clear from this admission by the Examiner is that the relevant prior art, which is described in Applicants' specification including Hedegaard, by paragraph [0008], totally lacks any teaching or suggestion of attaching stretched furs to a pelting board which is part of an apparatus including a winding unit for wrapping material around the fur as recited in independent method claim 27 and further, a winding apparatus as recited in independent claim 28.

The Examiner's reliance on Mustacich as teaching "that it is well known to wrap internal structures with a strand of material, so as to insulate and keep said structures together by application of pressure" is noted. However, the Examiner has misinterpreted the teachings of Mustacich et al which are directed to non-analogous art. Claims 27 and 28 respectively recite a method and apparatus for attaching a fur to a pelting board held by a pelting board holder in which the fur is placed on the pelting board and stretched to conform to an outer surface of the pelting board followed by a winding unit wrapping winding material under tension around the fur

which conforms the stretched fur to the pelting board to retain the fur on the pelting board in the stretched condition after release of the fur holder. It is therefore seen that the claimed winding unit performs the function of wrapping the fur with a material applied under tension to the fur in a stretched condition on the pelting board. There is nothing equivalent to this function in Mustacich et al since their teachings only pertain to wrapping an inner strand with insulating outer strands and do not secure anything analogous to a pelt to an underlying surface analogous to the pelting board in a stretched condition.

Specifically, Mustacich et al disclose an electrically insulated gas chromatographic (GC) assembly suitable for high temperature operation and a miniaturized low power, low thermal mass gas chromatograph instrument. It is without argument that this field of application is not in the field of securing furs to pelting boards and does not have anything analogous to a pelting board and a stretched fur. Moreover, Mustacich et al is non-analogous art since they are not directed to either the same field of invention or to a common problem which is solved by the present invention.

Column 8, lines 1, *et. seq.*, of Mustacich et al describe the variation of tension under which the insulating ceramic roving is applied to insulate the GC fiber 40.

What is totally lacking from Mustacich et al is that the purpose for application of the roving is purely an insulating layer which has nothing to do with the claimed winding unit fixing the stretched fur to the pelting board initially with a fur holder which is part of the apparatus, including the winding unit and thereafter the fur holder is removed so that the fur is retained in a stretched condition to the pelting board solely by the wrapping material so that fur may be dried.

What is clear is that the Examiner has utilized the Applicants' specification as a road map to find a winding unit in the prior art which has a remote structural similarity in its application to the claimed winding unit. But that is where the similarity ends since Mustacich et al do not fix anything as contended by the Examiner, let alone have any teachings relevant to what a person of ordinary skill in the art would consider for fixing a stretched fur to a pelting board. .

The Examiner has clearly admitted in engaging in impermissible hindsight by stating "it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning." This statement is legally erroneous and the Examiner, in effect, admits a hindsight reconstruction of the invention by looking for prior art which discloses some remote aspects of the mechanical design of the claimed wrapping unit *per se*.

The question becomes, would a person of ordinary skill in the art consider Mustacich et al as supplemental teachings to Hedegaard's use of a pelt board bag 4, which fixes stretched furs to a pelting board after longitudinally pulling the bag over the pelt and the pelting board? It is submitted that the answer is clearly no. While Hedegaard's process is known to produce satisfactory commercial results, it certainly does not suggest the method or apparatus defined by independent claims 27 and 28 and further, the subject of the claims dependent thereon.

Moreover, the erroneous analysis of Mustacich et al is readily apparent in the Response to Arguments where the Examiner says "Mustacich teaches a well known method of bundling structures." As explained above, the attaching of roving is for providing an insulative protective layer. The roving does not bundle anything since

the only purpose of the roving is to insulate electrically the underlying GC material 40 and not to retain anything in a stretched condition by winding material under tension.

If the Examiner persists in the stated grounds of rejection, it is requested that he supply reasoning why Mustacich et al perform any operation regarding bundling as contrasted with their applying of an insulating layer. Moreover, given the Examiner's admission of a hindsight reconstruction to prior art, it is submitted that the record is totally deficient in developing any objective reasoning of why a person of ordinary skill in the art would modify the teachings of Hedegaard in view of Mustacich et al to arrive at the claimed subject matter except by the use of impermissible hindsight.

Submitted herewith is a Declaration of Denis Schmitt who provides an expert opinion regarding the comparison of the subject matter of the claimed invention, which his company utilizes commercially to process and dry a large number of pelts per year in contrast to the use of cover bags of Hedegaard. Mr. Schmitt concludes that his company's experience with the cover bags of Hedegaard, while functioning to produce commercially acceptable stretched mink pelts, does not compare economically in its use. Moreover, in his opinion, the cover bags of Hedegaard are inferior to the subject matter of the claimed invention to commercially process a large number of pelts.

Mr. Schmitt's Declaration demonstrates commercial success of the claimed invention regarding its utilization to process a large number of pelts per year at a substantially reduced cost when the cost of consumable material is considered. The bags of Hedegaard, in Mr. Schmitt's view, are more expensive by a factor of 9 than the consumption of material by the claimed invention and furthermore, the improper

use of bags potentially subjects the pelts to damage and/or producing inferiorly dried pelts, which does not occur with the present invention.

In summary, the Examiner has cited no prior art which pertains to the "bundling of objects" beyond Hedegaard, does not cite prior art which would be combined by a person of ordinary skill in the art to modify Hedegaard to achieve the claimed invention without hindsight, and finally, the commercial superiority of the present invention, in comparison to the commercial embodiment of Hedegaard as declared by Mr. Schmitt, demonstrates the non-obviousness of the claimed subject matter.

In view of the foregoing amendments, Declaration and Remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (900.46373X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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